



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

Writ Petition(MD) No.469 of 2020

and

W.M.P. (MD) No.351 of 2020

Simson Samuel

... Petitioner

/vs./

1.The Secretary to Government,
Education Department,
State of Tamil Nadu
Secretariat, St. Fort George,
Chennai-9.

2.The Director of School Education,
College Road, Chennai-6

3.The District Educational Officer,
Tiruchendur, Thoothukudi District.

4.The Correspondent,
Ambrose Higher Secondary School,
Megnanapuram, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in his proceedings in O.Mu.No.2461/A3/2019, dated 27.11.2019 and quash the same and consequent direction may be issued to the respondents to pay the monetary and service benefits for the period from 01.12.2008 to 08.03.2013 as Watchman in 4th respondent school within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The petitioner herein claims to have worked as a Watchman from 01.12.2008 to 08.03.2013 and in connection with payment of his monetary and service benefits for the said period, he had made a representation on 04.02.2019, which was directed to be considered and in accordance with law, by an order, dated



27.04.2019 passed in W.P.(MD)No.10469 of 2019. Pursuant to the aforesaid directions of this Court, the impugned order, dated 27.11.2019 came to be passed, rejecting the petitioner's request on the ground that in view of G.O.Ms.No.115, School Education Department, dated 30.05.2007, the petitioner's request in his representation, dated 04.02.2019 is not feasible for consideration.

2.The present writ petition deserves to be allowed on the simple ground that the reliance placed by the respondents on G.O.Ms.No.115, School Education Department, dated 30.05.2007 has already been quashed by this Court in the case of **Deva Asir Vs. Secretary to Government and Others** in a batch writ petitions in W.P.(MD)Nos.11481 of 2008 etc., which decision was reported in **2016-III-LLJ-49 (Mad)** .

3.When the aforesaid Government Order relied upon by the respondents in the impugned order has already been quashed, the impugned order itself cannot be sustained. It is relevant to point out that apart from the reliance on G.O.Ms.No.115, School Education Department, dated 30.05.2007, there is no other reason assigned by the respondents for rejecting the petitioner's request.

4.In the light of the above observations, the impugned order passed by the third respondent in O.Mu.No.2461/A3/2019, dated 27.11.2019, is set aside. Consequently, there shall be a direction to the first respondent herein to consider the petitioner's request for monetary and service benefits for the period from 01.12.2008 to 08.03.2013, in the light of the earlier orders passed by this Court on 27.04.2019 in W.P.(MD)No.10469 of 2019 as well as the observations made in this order. Such an exercise shall be done at least within a period of eight (8) weeks from the date of receipt of a copy of this order.

5.The writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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Education Department,
State of Tamil Nadu
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2.The Director of School Education,
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4.The Correspondent,
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Megnanapuram, Thoothukudi District.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-4095[F] dated
31/01/2020)

+1 CC to M/s.SPL.GP (SR-4335[F] dated 31/01/2020)

Order made in
W.P. (MD) No.469 of 2020

DB (CO)
TR(20.02.2020) 3P 7C